



# ELDER-ASSISTED HEARINGS AND COMMUNITY-ASSISTED HEARINGS

**What are they?**  
**How can I apply?**

## ELDER – ASSISTED HEARINGS

An Elder-Assisted Hearing (EAH) is a culturally responsive hearing process for First Nation, Métis and Inuit offenders that takes into account the uniqueness of Indigenous culture and heritage. As in other hearings, Parole Board of Canada (PBC) members focus on your progress towards addressing risk factors and assessing release plans, but in a setting that is sensitive to Indigenous cultures.

### **Role of the Elder**

The role of the PBC Elder/Cultural Advisor is to provide Parole Board members with information about the specific culture and traditions of your Indigenous community, and about Indigenous cultures, experiences and traditions in general. The Elder may also offer wisdom and guidance to you. The Elder is not involved in making the decision.

### **What happens at an EAH?**

The hearing is held in a circle\* and follows these steps:

- Introduction of Elder
- Smudge and prayer (optional)\*\*
- Explanation of process to be followed
- Procedural safeguards
- Hearing process
- Break for deliberations
- Decision given
- Closing prayer (optional)

\* For cultural reasons, some hearings for Inuit offenders are not held in a circle.

\*\* For cultural reasons, some Inuit offenders may request a song instead of a smudge.

### **Who participates?**

- Board members
- Hearing Officer
- Institutional Parole Officer
- PBC and/or CSC Elder

### **Who else may participate?**

- Offender's Assistant
- Aboriginal Liaison Officer
- Community Parole Officer
- Victim(s)
- Aboriginal Community Development Officer

### **Who may be present to observe?**

- Victim(s)' Assistant(s)
- Observer(s)
- Regional Communications Officer

## HOW TO APPLY

Ask your Parole Officer or a member of your Case Management Team (CMT) for form PBC-0035, fill out and submit it at least 28 days before your hearing.

Your CMT can provide you with assistance in filling it out.

## WHAT IS SECTION 84?

The *Corrections and Conditional Release Act* states:

**84.** If an inmate expresses an interest in being released to an Indigenous community, the Service shall, with the inmate's consent, give the community's Indigenous governing body

- a) adequate notice of the inmate's parole review or their statutory release date, as the case may be; and
- b) an opportunity to propose a plan for the inmate's release and integration into that community.

**84.1** If an offender who is required to be supervised by a long-term supervision order has expressed an interest in being supervised in an Indigenous community, the Service shall, with the offender's consent, give the community's Indigenous governing body

- a) adequate notice of the order; and
- b) an opportunity to propose a plan for the offender's release on supervision, and integration, into that community.

## COMMUNITY – ASSISTED HEARINGS

A Community-Assisted Hearing (CAH) provides community members an opportunity to participate in your hearing and explain their proposed plan for your conditional release and reintegration into the community. This hearing is usually held in the community involved in your proposed Section 84 release plan.

### **Role of the Elder**

The role of the PBC Elder/Cultural Advisor is to provide Parole Board members with information about the specific culture and traditions of your Indigenous community, and about Indigenous cultures, experiences and traditions in general. The Elder may also offer wisdom and guidance to you. The Elder is not involved in making the decision.

### **What happens at a CAH?**

The hearing is held in a circle\* and follows these steps:

- Introduction of Elder
- Smudge and prayer (optional)\*\*
- Explanation of process to be followed
- Procedural safeguards
- Hearing process
- Break for deliberations
- Decision given
- Closing prayer (optional)

\* For cultural reasons, some hearings for Inuit offenders are not held in a circle.

\*\* For cultural reasons, some Inuit offenders may request a song instead of a smudge.

### **Who participates?**

- Board members
- Hearing Officer
- Institutional Parole Officer
- PBC and/or CSC Elder
- Community members
- Aboriginal Community Development Officer

### **Who else may participate?**

- Offender's Assistant
- Community Elder(s)
- Aboriginal Liaison Officer
- Victim(s)
- Community Parole Officer

### **Who may be present to observe?**

- Victim(s)' Assistant(s)
- Observer(s)
- Regional Communications Officer

## HOW TO APPLY

Talk to your Parole Officer or a member of your CMT about a conditional release under Section 84 to start the process. You should also advise your CMT if you would like a Community-Assisted at least 2 months before your hearing.